

Sixth Appellate District

San Jose, California

MONDAY, SEPTEMBER 10, 2001

H020811 PEOPLE v. WILDER

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)
Filed September 10, 2001

TUESDAY, SEPTEMBER 11, 2001

(no minute approved orders)

WEDNESDAY, SEPTEMBER 12, 2001

H021704 PEOPLE v. HINH

The judgment is modified by striking the \$2,400 parole revocation fine imposed pursuant to section 1202.45. As so modified, the judgment is affirmed. The \$2,400 restitution fine imposed pursuant to section 1202.4 is deemed paid. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed September 12, 2001

H021018 PEOPLE v. SCOTT

The judgment is modified to stay execution of the sentences for counts 1 and 2. As so modified, the judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed September 12, 2001

H020280 PEOPLE v. CLARK

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Wunderlich, J., Cottle, P.J.*)
Filed September 12, 2001

*Retired Presiding Justice of the Court of Appeal, Sixth Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Sixth Appellate District

San Jose, California

Wednesday, September 12, 2001 (continued)

H021847 PEOPLE v. CALDER

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed September 12, 2001

H020896 PEOPLE v. SHARON

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed September 12, 2001

THURSDAY, SEPTEMBER 13, 2001

H020891 PEOPLE v LENNON

H022159 DAVID RICHARD LENNON ON HABEAS CORPUS

The judgment is affirmed. The petition for writ of habeas corpus is denied. (not published)
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed September 13, 2001

H023040 MARY ANN G. v. SUPERIOR COURT; HUMAN RESOURCES AGENCY

The petition for extraordinary writ is denied. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)
Filed September 13, 2001

H021866 RIVERA v. RIVERA

The orders are affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)
Filed September 13, 2001

Sixth Appellate District

San Jose, California

FRIDAY, SEPTEMBER 14, 2001

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P. J.; Wunderlich, J.; Cottle, J.* (*Retired Presiding Justice of the Court of Appeal, Sixth Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution); and R. W. Norvelle, Deputy Clerk.

H020931 PEOPLE v. SAMSON

Cause called and argued by Donn Ginoza appearing for Appellant and by Seth Schalit, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021008 MARRIAGE OF BAKER

Cause called and argued by Carl Munteer appearing for Appellant and by Mary G. Roth, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H020592 PEOPLE v. MACKENZIE

Cause called and argued by J. Thomas Diepenbrock appearing for Appellant and by George Hindall, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021333 PEOPLE v. LUGO

Cause called and argued by S. Lynn Klein appearing for Appellant and by Violet Lee, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021531 PEOPLE v. GALVAN

Cause called and argued by Barbara Michel appearing for Appellant and by Matthew Boyle, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021219 NICHOLS v. ALVES

Cause called and argued by Craig Brown appearing for Appellant and by Edward P. Mathewson appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Friday, September 14, 2001 (continued)

H021973 KORKORIAN v. CITY OF SAN JOSE

Cause called and argued by Paul Kerkorian appearing in propria persona and by George Rios, Deputy City Attorney, appearing for Respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

H021611 PEOPLE v. GARCIA

By the Court:

Appellant's petition for rehearing is denied.

Filed: September 14, 2001

(Bamattre-Manoukian, J., Wunderlich, J. and Cottle, J.* participated in this decision.)

(*Retired Presiding Justice of the Court of Appeal, Sixth Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H021503 PEOPLE v. HERNANDEZ

By the Court*:

Appellant's petition for rehearing is denied.

Filed: September 14, 2001

*Before Bamattre-Manoukian, J. and Wunderlich, J.

H019424 CHERITON v. CHERITON

We reverse the judgment and we remand the matter to the trial court with the following instructions: (see text of opinion). (published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)

Filed September 14, 2001

Sixth Appellate District

San Jose, California

Friday, September 14, 2001 (continued)

H020761 PEOPLE v. BARRIOS

H022047 In re BARRIOS on Habeas Corpus

The judgment is affirmed. We issue an order to show cause returnable in the superior court, before the judge who presided over these proceedings or before such other judge as the presiding judge shall designate, directing the People to show cause why defendant's petition for writ of habeas corpus should not be granted on the ground that trial counsel rendered ineffective assistance based on the denial of defendant's right to testify at trial. A formal return shall be served and filed in the Santa Clara County Superior Court at a time and date specified by the trial court, and defendant may then file a traverse thereto. Upon these formal pleadings, the trial court must determine whether an evidentiary hearing is needed. (*People v. Romero* (1994) 8 Cal.4th 728, 739-740.) If the trial court determines that an evidentiary hearing is necessary, it shall identify the issues to be decided, conduct the hearing, and then make findings and grant or deny appropriate relief. If the trial court determines that no evidentiary hearing is necessary, it shall make findings and grant or deny appropriate relief. (Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed September 14, 2001

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Wunderlich, J.; Cottle, J. (*Retired Presiding Justice of the Court of Appeal, Sixth Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution); and S. Nasson, Deputy Clerk.

H021099 MIX, et al. v. BENEFICIAL CALIFORNIA

Cause called and argued by John Blake appearing for Appellants and by Doug Straus appearing for Respondent and by Michael Imfeld appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Friday, September 14, 2001 (continued)

H021540 MCPHERSON v. ESTATE OF SINGLETON

Cause called and argued by Perry Olsen appearing for Appellant and by Garry Montanari appearing for Respondent. Cause ordered submitted.

H021061 IN RE ANGELICA T.

Cause called and argued by Jennifer Gieseler appearing for Appellant and by Michael Banister, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021304 WHITE-VONDRAN v. RUIZ, et al.

Cause called and argued by Mary White-Vondran, Appellant appearing in propria persona, and by James Gentile appearing for Respondents. Cause ordered submitted.

H020313 GLASROCK v. HOMEDCO, INC.

Cause called and submitted without argument by Ralph Kirwan appearing for Appellant Glasrock and by James Braze appearing for Appellant Homedco. Cause ordered submitted. Court is adjourned.

H022140 PEOPLE v. HUTCHISON

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., O'Farrell, J.*)

Filed September 14, 2001

*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

H021782 PEOPLE v. SANTOSO

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., O'Farrell, J.*)

Filed September 14, 2001

*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.